

THE AFFAIR OF THE FINALY CHILDREN

France Debates a Drama of Faith and the Family

NICOLAS BAUDY

BETWEEN seven and eight o'clock on the morning of February 3, 1953, Robert Finaly, aged eleven, and his brother Gerald, aged ten, were carried out by unknown persons from the College of Saint Louis de Gonzague at Bayonne in southern France. Forty-eight hours earlier, the district attorney of Bayonne had been informed of their secret presence at the college, and Father Silhouette, the director, had been told to hold the children for the authorities. But when Mr. M. Keller, who represented Mrs. Rosner, aunt and legal guardian of the two boys, presented himself at the college at 8 A.M. on February 3, Robert and Gerald had disappeared.

The next day, the news reaching the French public, the "Finaly Case" was born. The kidnapping of the two children, as a common law crime, was a matter for the Court of Assizes, but the unusual implications of this particular case of kidnapping rapidly began to overshadow the crime itself. The French term, "*affaire*"—one not employed indiscriminately in common newspaper usage—in a few days replaced the specific term "kidnapping" in the newspapers, in private conversations, and in public debate.

Nor since the Dreyfus case has an issue affecting Jews stirred France as has the Finaly "*Affaire*," which, after incubating for eight years, burst suddenly upon the world with the disappearance of two little Jewish boys in the southwestern corner of France this past winter. Public opinion in France, and elsewhere too, has divided into *pro* and *contra*, and much along the same lines as in the Dreyfus days. In the opinion of responsible people, however, too large a part of the feeling on one side derives from a plain ignorance of the facts, which is reflected in even the most enlightened organs of Catholic opinion both in Europe and the United States. NICOLAS BAUDY, editor of *Evidences*, published in Paris by the American Jewish Committee, here gives these facts, and throws needed light on the issues. The translation from the French is by Maurice J. Goldbloom.

Who were these two children who became the stakes in a strange struggle that has pitted a sadly tried Jewish family against a woman some regard as a saint and others as a lunatic; Princes of the Church against the Grand Rabbi of France; Jesuit fathers, nuns, and members of the lower clergy against politicians; and French Catholicism in general against that section of the nation which invokes the Rights of Man and the laws of the Republic?

FLEEING Austria in 1939, Dr. Fritz Finaly and his wife Annie (*née* Schwartz) had found refuge in Grenoble in southeastern France. He was at that time thirty-three years old; his wife twenty-nine. Though he had been the head of a clinic in Vienna, Dr. Finaly, as a foreigner, was not allowed to practice in France. The couple lived modestly in La Tronche, a suburb of Grenoble, where two children were born to them during the war: Robert Michael on April 14, 1941, and Gerald Pierre on July 3, 1942. Dr. Finaly had both babies circumcised.

As we know, the Germans occupied the whole of France in November 1942. Until that time the Free Zone, in which Grenoble was located, had, in spite of Vichy's racial laws, provided a relatively safe refuge for Jews. Now raids and arrests began. Jewish men, women, and children were deported to camps in Poland. In January 1944 German police action was intensified, particularly in the southeast of France, where every suspect person was arrested. The Jews were the first to be rounded up, and had little chance of escape. The plight of the children was tragic. Those who fell into the hands of the Germans met the same terrible fate as the adults—in some cases even sooner, being poisoned or given fatal injections by Nazi orderlies.

As a precaution, the Finalys placed their two babies in the Catholic nursery of Saint Vincent de Paul, in a village near Grenoble. Some time later, on February 14, 1944, both adult Finalys were arrested, he in the streets

of Grenoble, she at home. Both were sent to the notorious Drancy camp, and thence deported to the East, after which nothing more was ever heard from them.

Immediately after their arrest, some friends, learning that the Gestapo was continuing its investigations and fearing that the children would be discovered, took Robert and Gerald out of the nursery of Saint Vincent de Paul and asked the nuns of Notre Dame de Sion in Grenoble to hide them in their convent, where several other Jewish children were being sheltered. The Ladies of Zion took the Finaly boys, but since their institution was an educational one, they were afraid that the presence of two children under school age would attract notice. So they entrusted the little boys to the directress of the municipal nursery of Grenoble, Mlle. Antoinette Brun.

Mlle. Brun's decision to harbor the children was certainly not taken lightly. The racial laws enforced in occupied France included ferocious penalties for helping Jews. Antoinette Brun was later to repeat many times that she had accepted the Finaly children "at her peril," and nobody would dream of denying it. What she did was more than charitable: it was heroic.

THE months passed, and brought with them death for some and suspense for others. The Gestapo did not bother about the municipal nursery of Grenoble. Some Jewish friends of the Finalys were able to escape the police and stay alive in France. Robert and Gerald grew older. At the beginning of August 1944 the German troops withdrew in disorder from Grenoble. The Finaly children were saved. On March 12, 1945, a letter from New Zealand was received by the mayor of La Tronche. It had been written on February 9 by Mrs. Margaret Fischel, oldest sister of Dr. Finaly and now married to a veterinarian. Dr. Finaly's original family had been dispersed by Hitler's annexation of Austria: two of his sisters, Mrs. Fischel and Mrs. Rothbaum, had settled in New Zealand, the third, Mrs. Rosner, in Palestine.

As soon as the inter-continental mails began running again Mrs. Fischel had tried to get news of her brother and his wife. She had not, she says, heard about them since September 7, 1942, the date of a letter—the last anyone received from him—that Dr. Fin-

aly got through to a friend in the United States. The mayor of La Tronche wrote to Mrs. Fischel that the Finalys had been deported but that their two children were safe. The mayor had known Dr. Finaly personally, and wrote: "Your brother's dearest wish was that you should take the children in case of any mishap."

As it happened, Mrs. Fischel's letter to the mayor of La Tronche was crossed by a letter from a friend of the Finalys who had survived in France, a Mr. Ettinger. He told Mrs. Fischel of the arrest of the Finalys, and of their last wishes. Dr. Finaly had felt that Mr. Ettinger's fate as a Jew was as uncertain as his own, so had given over his power of attorney to a non-Jewish Frenchwoman, a Mme. Poupaert. She was the one who had taken the actual responsibility of placing the two children in the municipal nursery run by Mlle. Brun, and thus had the authority to get the children back and send them to Mrs. Fischel. Mr. Ettinger wrote: "Dr. Finaly and his wife, in the course of numerous conversations, clearly expressed the desire that the children be entrusted to you if anything should happen to themselves."

The evidence provided by Mr. Ettinger and the mayor of La Tronche is definite as to the desires of Dr. Finaly: Mrs. Fischel was to get the children. Moreover, she herself expressed the wish to take them.

AS SOON as she got Mme. Poupaert's address from Mr. Ettinger, Mrs. Fischel wrote to her. The mails were still slow at this time. On July 5 Mme. Poupaert replied. She had seen the children in the municipal nursery the day before. "They are," she wrote, "in excellent health, and the person who is taking care of them begged me to ask you to leave them with her. She is a very good woman who has already adopted five children. . . . The idea of parting with the children is very painful to her, since for eighteen months she has cared for them and is genuinely attached to them. As for myself, I do not want to advise you one way or the other. The doctor asked me to hide them, and afterwards to get in touch with you. . . . I hope that my letter will not make you unhappy; for I speak with complete frankness and no mental reservations; you alone shall decide what you ought to do." Antoinette Brun had poured out her heart to

Mme. Poupaert. She had adopted five children, one of them Jewish. One of these five, a boy of eighteen, had been accidentally killed some weeks before. Her sorrow and the care she had given the Finaly babies deserved consideration.

Mme. Poupaert had received very precise instructions from Dr. Finaly, but from now on she remained prudently silent, confining herself to thanking Mrs. Fischel when the latter sent her a food package. Mrs. Fischel now wrote to Mlle. Brun, but had to wait until November 1945 for an answer. This answer was to become one of the crucial items in the *dossier* of the Finaly case. In it Antoinette Brun sang her own praises and called attention to her nobility in taking charge of the children. She made much of their health; according to her, they were still too young to travel all the way to New Zealand. She also suggested that certain objects of value entrusted to friends by the Finalys be sold "in order to pay the expenses of the trip."

She ended her letter: "No one had the courage to take them then. I took them, without knowing them, without knowing their relatives, their family; I took them without anything, almost anything. These are bonds of affection which one has no right to break just like that. Their money is nothing to me. But they are in a way my own little ones, and I am disgusted to see that people, so-called friends of the family, want to take them away from me in order to share their inheritance.

"I am French and Catholic; along with these two children I have adopted or received seven children whom I have raised as well as I could, with the fruits of my labor and my own money. The affection of my children is my recompense, I ask no other. Your nephews are Jews, that is to say, they have remained in their religion."

Six months before, on May 25, 1945, the Fischels had already got permission for the children to enter New Zealand. They undertook to pay the entire cost of the trip and offered to reimburse Mlle. Brun for all her expenses in caring for the boys. On that same May 25, M. de la Tribouille, Free France's agent in Wellington, mailed a request to the Foreign Ministry in Paris that the children be sent from France. Strangely,

this letter remained unanswered for some months—as is shown by a follow-up letter from the French legate in Wellington, Mr. Gazel, dated December 28, 1945. What had happened? Official communications between Paris and French overseas offices were still undependable, and the functioning of the administration itself was still erratic. These factors were not propitious to the Fischels. As we shall see, Mlle. Brun took advantage of the delays.

In August 1945 Margaret Fischel wrote to the district attorney of Grenoble, asking him to facilitate the departure of the children. He did not reply. In October she sent another note to the district attorney, asking that the children be entrusted to her care. Again no response. Antoinette Brun was a power in Grenoble. On the local level she was able to block the steps taken by the distant Fischels, who were themselves immobilized by the slowness of the replies to their inquiries.

Finally, they got in touch with the French Red Cross through the British Red Cross, and a report by the Red Cross social worker in Grenoble, dated October 5, 1946, was sent to them. She wrote: "Mademoiselle Brun categorically refuses to hand over the children. She was named their guardian on November 12, 1945, in accordance with Article 142 of the Civil Code, which authorizes the establishment of a provisional council of guardianship when the parents of children are deceased. This article makes no provision for the case of other members of the family presenting themselves subsequently."

Thus, back in November 1945, at the very time when Mlle. Brun was at last writing her answer to Mrs. Fischel, she was also assembling a family council before a justice of the peace in Grenoble. Mlle. Brun was by that time perfectly well aware of the existence of Dr. Finaly's sisters, and in particular of Mrs. Fischel, since she was friendly with Mme. Poupaert. The family council that Mlle. Brun gathered together consisted of four Jews who had been more or less closely connected with Dr. Finaly but were completely ignorant of Mrs. Fischel's desire to have the children and the steps she had taken to get them. By concealing this fact from the court, Antoinette Brun was able to put the law of the Republic on her side.

More months passed. On March 16, 1946, and then on August 9, Foreign Minister Georges Bidault sent notes to the Veterans Ministry, under whose jurisdiction the case of the children came. These two memoranda, based on information from the French minister in Wellington, gave a completely accurate and detailed account of the situation. The British Red Cross, which was to care for the children on their voyage, had multiplied its communications to the French Red Cross.

The Fischels did not know where to turn. For two years they wrote everywhere. The attorney of the French Red Cross advised them to appeal the guardianship judgment as formally defective.

In July 1948 Mrs. Fischel decided to give up her rights in favor of her sister, Mrs. Rosner, who was living in Gederah, Israel, and being nearer to France, could intervene more effectively. The Rosners gave their power of attorney in the matter of the children to a trusted friend, an engineer in Grenoble named M. Keller.

BUT who was Antoinette Brun? She was a native of Grenoble and, after a somewhat chequered youth, a lady of good works. She lacked neither courage nor enterprise. She was a Catholic, yet enjoyed the favor of the Socialist mayor of her city, as well as having numerous other intimates in the magistracy and the municipal administration. A fat, loud, expansive busybody, with an inordinate taste for quarreling.

People were somehow a little afraid of her. Behind the respectable façade of small-town life many scandals lie dormant. Antoinette Brun had seen her share of them. With the approach of age she had become devout, yet remained bossy, gossipy, and jolly. Only her charitable work gave her from now on an almost sacred halo.

She terrorized some people, fascinated others. Some people would do anything for her. Grenoble was her personal kingdom, her home. Later on she was able to act the role, superbly, of a woman in revolt against the powers that be. A short while ago she, the fervent Catholic, declared to *Figaro* that she didn't give a fig for the Pope. But before assuming the role of rebel, she made use of her influence with the powers that be with astonishing skill.

WHEN she learned that Mr. Keller was preparing to recover, step by step, the ground she had conquered, she had the Finaly children baptized—as Mr. Keller learned from her own mouth in July 1948. The exact reason why she took this step has remained obscure. Nor was the act of baptism made public. Did she take advantage of the good faith of a priest, or did she find an accomplice?

Next, she called a new family council on January 24, 1949, pretending that the alternate guardian named by the first family council, Mr. Imerglick, had disappeared without leaving an address. Again, she was lying. Mr. Imerglick, who had sent Christmas presents to the children in 1948, subsequently showed the judges a letter of thanks from Mlle. Brun that showed she knew his address perfectly well. But for Antoinette these were mere venial sins, and the end justified the means. She invited a new set of people to the new family council, choosing them from among her own friends: a watchmaker in Grenoble, her deputy directress in the municipal nursery, her lawyer's clerk. They all took orders from her. Maître Maurice Garçon, when he took over the case for the Finaly family, declared in court with regard to this episode: "Never has anyone seen the provisions of the law for the protection of minors made mock of with such effrontery."

On September 27, by virtue of the rights vested in him, Mr. Keller called a different family council, which assigned the guardianship of the children to their aunt, Mrs. Rosner, and authorized Mr. Keller to recover them. But Mlle. Brun refused to hand them over, and got the courts to annul Mr. Keller's family council.

Mr. Keller, who showed an endurance equal to every trial, assembled a new family council on November 14, 1949, in which the three aunts—Mrs. Fischel, Mrs. Rosner, and Mrs. Rothbaum—were represented. After taking three weeks to consider the question, the judge named Mrs. Rosner guardian, and ordered Mlle. Brun to hand over the children.

LATER, after the kidnapping of the children, the big newspapers all reported as a fact the main claim of Mlle. Brun and her supporters that the relatives had not

bothered themselves about the children until five years after the liberation of France. Borne up on a flood of articles written to order, Antoinette Brun became a Lady of Seven Sorrows from whom an ungrateful family, moved solely by religious and national fanaticism, was snatching the beloved children who had grown up in her bosom. It took the persistence of lawyers Maurice Garçon and David Lambert, the patience of Mr. Keller, and the day by day work of some honest reporters to acquaint the public with the true background of the Finaly case. The facts had been systematically and tendentiously twisted, and some of them omitted in the rightist and Catholic press. Even today a section of French public opinion is still badly informed, and continues to be misled about the Finaly case by the propaganda working to convert it into a solely religious issue—this in complete disregard of the moral questions involved and the natural rights of the family.

Again, Antoinette Brun refused to hand over the children. Instead, she once more started proceedings to annul the legitimate family council. Though her arguments were entirely specious, the local court complied by decreeing another annulment on November 15, 1951, on the pretext that the council assembled by Mr. Keller had not included the late Mme. Finaly's brother, Otto Schwartz, who was living in Gmuend, Austria, after his return from exile in Shanghai. But Mr. Schwartz had already given his consent to the appointment of Mrs. Rosner as guardian.

The local court was now overruled by the Court of Appeals on June 11, 1952, and Mrs. Rosner was confirmed as guardian. On this occasion the boys appeared in court, but on July 15, 1952, when the bailiff went to the Brun home to take them, they and Mlle. Brun had disappeared. Mr. Keller filed a complaint, and the magistrate summoned Mlle. Brun. She appeared but refused categorically to hand over the boys, then left without being disturbed. Where were the children? No one knew. Mlle. Brun kept her silence, and the court did nothing.

On August 12, 1952, the boys' uncle, Otto Schwartz, was visited in Gmuend by a Franciscan father from Vienna, Eugen Berthold, who brought him a letter from Mlle. Brun dated August 8. On the pretext

of needing an authorization to enter the children in a state school, Mlle. Brun asked Mr. Schwartz to "designate her officially as guardian." Also, she proposed a meeting with Mr. Schwartz so that he would have a chance to see his nephews.

One detail, however, had escaped Mlle. Brun. Scattered though it was, the Finaly-Schwartz family had preserved firm ties. Otto Schwartz was not unaware of the troubles his sisters-in-law were having in their efforts to get hold of their nephews. He saw the trap and refused to sign.

ON SEPTEMBER 12 Father Berthold himself wrote to Mr. Schwartz on behalf of Mlle. Brun. She was going to take Robert and Gerald to the Franciscan monastery in Strasbourg, and she offered to pay for a ticket from Vienna to Strasbourg for Mr. Schwartz, who was poor. Mr. Schwartz wanted to see his nephews, and to get a clear view of the situation, so he went to Grenoble and from there to Strasbourg, where Mlle. Brun had made a rendezvous for October 3. He called at the Franciscan monastery. Antoinette was there, but not the children. The tenor of his conversation with the woman took him so much aback that Mr. Schwartz went to a bailiff and drew up an affidavit, part of which read: "Having indicated in the first place, in a letter to Mlle. Brun, that I would not come unless I could see my two nephews, Robert and Gerald Finaly, and having twice gone in vain to the monastery of the Franciscan Fathers in Strasbourg, where I had been asked to come, I found Mlle. Brun there without the children but in the company of two gentlemen unknown to me. Our conversation was interpreted by a father of the Franciscan order. Mlle. Brun declared that she had lost a trial and that they wanted to rob her of the children. Then she proposed to take me in an auto, with herself and the two gentlemen, to Grenoble. When, after a long discussion, I accepted her proposal, she suddenly declared that the children were in a college at Chambéry, although she had at first pretended that they were in a convent at Grenoble. In addition, she declared that she would not agree to my going there. In the course of the conversation Mlle. Brun offered me money and asked me to declare that I had visited her at Christmas or Easter, and that I had at that

time reached a decision on the subject of the children. I refused. I was very disappointed, after a thirty-hour train trip, to meet Mlle. Brun and two gentlemen whom I did not know, but not my nephews. She also mentioned a bank account in Switzerland in the name of my brother-in-law, F. Finaly; she suggested that if I came to an agreement with her, she would send me the papers and I would be able to take it over.

"Having been deeply disappointed after having made the acquaintance of Mlle. Brun, and having been displeased by her behavior towards me, I have come to the firm conclusion that Mr. Keller of Grenoble should proceed as rapidly as possible in the execution of the judgment, and that the children should be taken to their guardian, Mrs. Rosner, in Gederah [Israel]."

As we see, a religious order had now entered the picture. After the kidnapping of the children, the Franciscans protested their good faith, and since Mlle. Brun made a habit of lying by omission, it is quite possible that the fathers had been left in complete ignorance of the real situation.

ON NOVEMBER 18, 1952, Mlle. Brun was brought up before a criminal court. She claimed that until 1950 the children's relatives had given no sign of life. The court's decision was set for December 2, and on November 28 the attorneys for the family submitted a voluminous supplementary *dossier*, every detail of which was irrefutable. On that very same day, however—four days before the date set for the decision—the court handed down a verdict, without examining the *dossier*, in which it censured the Court of Appeals for confirming Mrs. Rosner as guardian and accepted the allegations of Mlle. Brun: "noted . . . the accused affirms that the Finaly family did not claim the minors after the liberation of the territory." The decision also questioned the validity of Mr. Keller's authority, and mentioned as a weighty factor the baptism of the children. However, because she had not produced the children, Mlle. Brun still fell under article 357 of the Penal Code and was liable to a year in prison. Yet the court ruled that she was not guilty because the care of the children had not been *expressly* entrusted to Mrs. Rosner! This time a question of mere syntax and form saved Mlle. Brun.

On January 8, 1953, Maitre Maurice Garçon pleaded for the Finaly family before the Court of Appeals in Grenoble, and went into the question of the precise nature of the exclusive and jealous maternal passion Mlle. Brun was protesting. Actually, while Robert and Gerald were at the municipal nursery, from 1944 to 1946, they were taken care of by Mlle. Brun's old maidservant. In its order issued on June 11, 1952, the Grenoble court had demanded that the children be produced; when this was not done, it was discovered that they had left the Grenoble municipal nursery in 1946 for a religious boarding school, and then for a religious day school in Voiron (Isère). While there, they had boarded with a lady in town under the names of Robert and Gerald Brun. In 1949 they had left the school of Saint Joseph of Voiron for a religious *pension* in Lugano, Switzerland, where they remained for a year. From September to December of 1950 they had been with the Dominicans of Coublecie (Isère) under the names of Louis and Marc Quadri. During the school year 1951-52 they were again at Saint Joseph of Voiron under the names of Louis and Marc Brun.

After their kidnapping, evidence was produced showing that in September 1952 they had been placed with the Ancelles (the lay branch of the order of Notre Dame de Sion) in Paris, but that at the beginning of October 1952, at the time when Antoinette Brun was summoning their uncle Otto Schwartz to Strasbourg and telling him that they were at Chambéry, they were in a school of the order of Notre Dame de Sion in Marseille under the name of Quadri. In January 1953 they were placed in another school of Notre Dame de Sion in Marseille under the names of Martella and Olivieri.

When they had appeared in the Court of Appeals in June 1952, the boys politely told the court, as if it were the most natural thing on earth, that they usually saw Mlle. Brun only once a year. The presiding judge was so startled that he repeated the question, and got the same answer from the children. Obviously, Mlle. Brun's maternal passion was not excessive. At this time, in 1952, the Finaly case was still nothing but the Brun case. Partly out of religious fanaticism, partly out of a sheer taste for squabbling and intrigue, Mlle. Brun was obstructing justice.

People were talking about her, and she liked it. Her letters reveal her penchant for florid histrionics. In one, she assumes that everybody knows about her warm heart. In another, she complains of being misunderstood, persecuted. She writes "The Jews are ungrateful," and again, "I am Catholic and I have rescued large numbers of Jews and I have received nothing but hate in return."

On January 29, 1953, the Court of Appeals reversed the criminal court's decisions, confirming the rights of Mrs. Rosner and issuing a final order against Antoinette Brun.

She had lost. The only resort which remained to her was an appeal to the Court of Cassation, the highest court of appeal in France, but before she could go there she would have to give up the children.

AS WAS later discovered, at midnight, January 29, Abbé Mollard, pastor of the Marseille church of Saint Michel, appeared in the St. Charles railroad station in Marseille and handed Robert and Gerald Finaly over to a certain Mme. Bleuze. She was the sister of Mother Antonine, Superior of Notre Dame de Sion in Grenoble. At three in the afternoon of January 30, Mme. Bleuze and the children arrived in Bayonne, in the foothills of the Pyrenees, only thirty miles from Spain. She went to the boarding school of Saint Louis de Gonzague, saw its Superior, Father Silhouette, and requested him to accept as students François and Antoine Martela—otherwise Robert and Gerald Finaly.

But Mme. Bleuze talked too much, never doubting the "discretion" of Father Silhouette. In the course of the conversation she told of how bored the boys had been on their journey from Grenoble. Father Silhouette had a lively intelligence; he had read in the newspapers of the decision of the Court of Appeals, and knew about the Finaly children. He became suspicious: no, he would not accept the children. Mme. Bleuze bit her tongue, a little late. But she showed him the boys' school identity cards—forged ones in the name of Martela that she had received from Mother Antonine—and Father Silhouette yielded. Mme. Bleuze took the train for Grenoble, where she arrived the following day and reported to Mother Antonine.

After Mme. Bleuze had left, Father Sil-

houette reflected. The whole business was suspicious. He informed the Bayonne district attorney, who alerted the district attorney of Grenoble. The latter asked Bayonne to make sure of the identity of the children, and to hand them over to the Director of Population, a functionary of the Ministry of Public Health. But the Bayonne prosecutor contented himself with an order to Father Silhouette to keep the children under his supervision.

On February 1 Mother Antonine, worried by her sister's clumsiness, left Grenoble for Biarritz. There she went to the Mother Superior of Notre Dame de Sion of Biarritz, who told her of Father Silhouette's action. Mother Antonine went immediately to the palace of Bishop Terrier of Bayonne, who saw her at nine in the evening. She told him that Mlle. Brun had asked her help in placing the children in a religious school out of reach of "court quarrels."

Bishop Terrier had one of his canons telephone Guy Petit, mayor of Bayonne (who a few days later became Minister of Commerce in René Mayer's cabinet). Mr. Petit was at a meeting of the Municipal Council and could not come to the phone. A half hour later he called the Bishop's palace and told Canon Narbaitz that he would get in touch with the district attorney of Bayonne, and when he went to Paris the following day, would ask the Keeper of the Seals for "additional information."

ON FEBRUARY 3 Mr. Keller, armed with the proper papers, arrived at eight in the morning at the Saint Louis de Gonzague school to take the children. But, again, they had disappeared. Accompanied by the district attorney, he went to the Bishop, who declared he knew nothing at all. About what happened to the boys during the next few days, little is likely ever to be learned. (When Mother Antonine, Antoinette Brun, and the Basque priests were arrested, later, they refused to answer many questions, and admitted only what was common knowledge.)

The police searched for the children in vain. Subsequent investigation disclosed, at a time when the boys were already out of reach of French authority, that on February 12 a professor at the Catholic seminary in Bayonne, Abbé Laxague, had entrusted

them to an Abbé Aristiart, who had carried them off to St. Jean de Luz. A businessman in that city, Mr. Fagalde, took them by auto to Guétary, and there handed them over to another Basque businessman, Mr. Etchesaharetta, who took them during the night to the pastor of Biriattou, Abbé Ibarburu. On February 13, Abbé Ibarburu, with a ferryman named Susterreguy, took Robert and Gerald to the Spanish border, which was not far from Biriattou. The weather was bad. Abbé Ibarburu went back to his parish, while Susterreguy crossed the frontier with the boys, making them do a five-hour forced march through deep snow. This would have been a grueling ordeal for an adult, let alone for two small children raised in convents, and, on top of that, certainly weakened by the wandering existence they had been made to lead for two weeks.

Once over the border, they were on the way to Vera in Spain, but Abbé Ibarburu followed them in Etchesaharetta's car, caught up with them, and brought them to St. Sebastian, where he asked the organist of the church of St. Ignatius, Abbé Ahlister, to put them up. When the latter refused, Abbé Ibarburu went to the Abbey of Lascarro. From then on all trace of the children vanishes.

The law had been violated. Arrests began. Mother Antonine cursed the police who came for her, in language not usually associated with a Reverend Mother. The Basque priests gave themselves up without a word. But Antoinette Brun's arrest caused a commotion in print. Pierre Scize, writing in *Figaro*, gave "the good lady of Grenoble" a place in the lives of the Saints. For some weeks the French press was divided into two camps, her partisans and her adversaries.

THE most fantastic stories were put in circulation. Writers lost themselves in hypotheses as to the place where the children were hidden but, with rare exception, nobody except the boys' relatives really worried about their physical fate. It took almost two months to bring home to the public the fact that these relatives had been claiming the children since 1945. On February 6, 1953, Gérard Bauer of the Académie Goncourt wrote in *Figaro* under the pen name "Guermantes": "At least there is nothing base in this case; the affair is one of a con-

flict between the passion of faith and the rights of the family and the heart."

These "rights of the heart," about which a great deal was heard in the days following the kidnapping, were immediately taken for a proven fact by the Catholic press and used as an argument in the Brun woman's favor. On March 30 a provincial newspaper, *Le Lorrain*, reporting a judgment of a court in Nice giving a foster mother the guardianship of a boy born of an unknown father and abandoned at birth by his mother, did not hesitate to write that the same issue was involved in the Finaly case, and that the Nice judgment "was a model for the one which the Court of Cassation should give in the Finaly affaire."

But very soon the debate left these "rights of the heart" to dwell on "the fanatical passion of faith." On February 11, 1953, François Mauriac, the Catholic novelist and editorial writer of *Figaro*, entered the arena. He tossed forth a formula, "the children's point of view," and wrote: "The faith of the two children is involved. I can testify that at their age my religious life became conscious and took on a certain tone and coloration which it has never since lost; that it became fixed, less perhaps in a dogmatic and moral sense, than in a personal relation established with someone invisible yet present. . . . Which of their two allegiances will win out in these children's hearts? The allegiance to their fathers, to the ashes of martyrs, or the allegiance to that Son of David who was crucified for them, too, who has marked them with his sign, and who, since their baptism, knows them by their first names? Perhaps they themselves will know how to effect a synthesis between these two allegiances. Is not Christianity, for a baptized Jew, the fulfillment of the word given to Abraham our father?"

The novelist of Thérèse Desqueyroux, of the delights of sin and of efficacious grace, now set the tone. Baptism supplanted Antoinette Brun in the leading role. From then on it was not a mother, or a pretended foster mother who claimed the children, but a church. Mauriac, as a Christian "of the world," returned to the notion of the sovereign Church's right to decide. On February 10, only a week after the kidnapping, the Reverend Father Gabel, in *Le Croix*, the official organ of the French Church, distin-

guished between the juridical and moral aspects of the Finaly case: "Juridically, it can be said, a decision of the courts was disregarded and the police were deceived. In every society, respect for law and justice is a condition of peace and order. Morally, it is much more complex—two orphan children who have been baptized, have known affection, have been educated, are uprooted, were to be snatched away from her whom they called 'mama' and entrusted to an aunt whom they did not know, transplanted to Israel against the will of their lost father, and thrown into a society whose language they did not know."

It will be noted that after a formal salute to "the rights of the heart," Father Gabel introduces a new idea—that of the children's nationality. Dr. Finaly had in fact got French naturalization for his elder son, Robert, and would have done the same for Gerald if the racial laws in force by that time had not prevented it. It is certain that Dr. Finaly considered France his adopted country, and that the children, raised in France and speaking French, could be regarded as French. Now Israel was brought into the case, as it was to be increasingly. But if Mrs. Fischel had been able to get the children in 1945, there would have been no question of Israel, since the Fischels had become subjects of New Zealand. It was only by chance that Mrs. Rosner, living in Israel, became their legal guardian. And the laws of Israel and France, both, allow children to postpone their choice of nationality until they have grown up. Until then Robert and Gerald would have remained French in the eyes of French law.

FATHER GABEL wrote further: "The Church is a perfect society that has authority over those men who have become its members by baptism." He emphasized that there were nevertheless certain cases in which a complex of problems "suggests that the Church should not press the exercise of that right." And in conclusion: "These children are now eleven and twelve years old. One must take account above all of what they are; one must take account also of the love which has saved them at the risk of liberty and of life."

What did this mean but that the authority of the Church over anyone baptized

into it having been proclaimed, it was still necessary for ecclesiastical authority to take protection behind the appeal to such secondary considerations as "rights of the heart," nationality, and culture? A week after the kidnapping, the ecclesiastics involved were anxious to keep the gates neither open—"the children are baptized, hence ours"—nor closed: the turn of events might bring about their forced return at any moment. On the one hand, the official press of French Catholicism does not disavow a Catholic, Antoinette Brun, or the priests and nuns who caused the children's disappearance. But neither does it openly take the side of these disturbers of public order who have broken the laws of the Republic.

Each succeeding day through February and March the discussion of the Finaly affair took on an increasingly theological turn. But the approach was often oblique, hiding behind sociological, juridical, or psychological considerations, if only in order to appear more amiable. The question of baptism, and of the irrevocable character in general of the Catholic sacraments, dominated everything. Even the columns of big, respectable non-confessional newspapers like *Le Monde* were suddenly drenched with religiosity; writing in *Le Monde* February 25, the Reverend Father Riquet invoked Canon 1351 according to which "no person may be forced to embrace the Catholic faith," and was disputed by a certain Abbé Deroo, who answered, March 10: "In similar circumstances, the Church respects the rights of the family, but it cannot avoid its own duties; baptism makes the child a Christian, and the child comes under the jurisdiction of the Church. The latter has the duty of assuring its members the riches and blessings of the life eternal which are superior in dignity and worth to the bare demands of the natural order."

MEANWHILE negotiations for a compromise solution were being set in motion. It is clear that they were bound to fail, although promoted by persons of good will. At the date of writing nothing has been accomplished. The negotiations have a semi-secret character, and, although mentioned in the press, are categorically denied by the persons involved.

A week after the disappearance of the

boys the attorney for the relatives, Maitre Garçon, received certain proposals from the other side through a magistrate in close touch with, and speaking for, the Bishop of Lyons. At the same time Grand Rabbi Kaplan received a sort of plan for the restitution of the children from a well-known Jesuit who had behaved with especial heroism under the German occupation and saved many Jewish children from the Gestapo. This Jesuit father declared that he was ready to go to the Basque country and thought that, backed by the authority of Cardinal Gerlier, he would be able to find the children and restore them to their family. It seemed that there was a chance for agreement, and that a desire for a settlement existed on the part of certain members of the French clergy, particularly among the bishops. Had not Bishop Gaillot of Grenoble issued an appeal that anybody with information about the whereabouts of the boys should give it to the proper authorities immediately?

All these proposals on the part of the clergy contained controversial points, but an agreement should not have been hard to reach nevertheless. The children were to remain in France at least until the decision of the Court of Cassation, which would definitively determine Mrs. Rosner's rights; they were to receive a French education; and they were to make their own choice of religion. Mr. Keller, spokesman for the family, made a statement that was headlined in the newspapers: "The children shall go to Mass if they want to."

But the days passed and the Jesuit father, returned from Spain, was unable to restore the children because he had not found them. Certain newspapers, while publishing urgent appeals in the name of "Judeo-Christian friendship" for a compromise, circulated strange rumors: the Spanish Church, with its historical inability to compromise, was blocking the search; the children had left Spain for Austria, Brazil, Chile. *Figaro* even went so far as to say that nothing could be done without the benevolent cooperation of the Spanish police, and that General Franco was asking in exchange for the children the surrender to him of a score of Spanish Republicans in asylum in France. Only a *quid pro quo* of this kind, *Figaro* claimed, would make it possible really to look for the Finaly children in Spain.

Meanwhile, a campaign for the release of the jailed kidnappers and their accomplices was under way. Antoinette Brun was described as lying sick on a damp and lumpy straw mattress in her prison cell, and the Basque priests as playing pelota in the courtyard of their jail. A committee for the defense of "Basque liberties" put up a poster signed by Jean Ybarnegaray, notorious for his collaboration with the Germans during the war, that read: "Are we going to let the Jews and their bought press insult and persecute with their hatred the priests and nuns who, in the hour when they were being hunted down, saved them from the Gestapo at the risk of their own lives?" At the same time special reporters from the great evening papers were camping on the Spanish frontier. Every day announcements came that the children were to be returned on the following day. The negotiations continued. The French cabinet deliberated. In the name of the independent and peasant ministers in the cabinet, Messieurs Roger Duchet, Camille Laurens, Guy Petit, and Paul Ribeyre insisted on the urgency of freeing the Basque priests, whose imprisonment, according to them, was stirring up certain "regionalist disturbances." A weekly repeated Premier Mayer's phrase: "My name does not permit me to keep priests in prison." Until March 11, when the full facts were publicly stated by Maitre Garçon, the newspapers were filled with rumors that the release of the secular and regular clergy arrested at Bayonne and Grenoble had become an indispensable condition for the success of the negotiations. At last the priests, the nuns, and Mlle. Brun were freed. March did not bring the children. Nor did April.

TODAY the point of the negotiations initiated by the clergy seems clear. By approaching Jewish community leaders, the Catholic representatives aimed to shift to a religious plane a case that came exclusively under the criminal law of the Republic, and should not have required the intervention of either Jew or Catholic as Jew or Catholic. The Church wanted discussions with Jews as *the Jews* in order to set up a *religious* adversary against whom it could be proved that it, the Church, had acquired the souls of the children, and *therefore* had authority over their baptized bodies. If the issues in the Finaly *affaire* could be staked out along such lines, questions of

law and legality could be disregarded. The rights of the family, which the Catholics never cease proclaiming when it suits their purposes (in the name of which, for instance, they got the Baranger Law passed, giving state subsidies to religious schools in a country where the tradition of lay schools is so old as to be an essential feature of the Republican order)—these rights of the family, being subject to legal, not theological, determination, were never even mentioned in the hubbub raised in asserting the supreme validity of the sacraments.

On March 2 a university professor, Paul Benichou, sent *Le Monde* an open letter in which he clearly set forth the dimensions of the problem: "What can be the meaning of this doctrinal complaisance, of which we see so many signs, in the presence of a flagrant attack on the laws? Of these allusions to the rights of the Church over baptized children, these higher considerations that are set up as against the legal code, these mysteries of faith and conscience that are bound up with the violation of the law, this pretense at reaching a compromise between the law and something else whose name is not mentioned? Is it not time for us to recall that the law is the sole authority in France, that no church has legal powers, that no sacraments of any religion have any civil validity? This has been the case for over a hundred and fifty years. One would think that there could no longer be any question about it. The Finaly case proves that the con-

trary is true, and this is why it is a serious affair."

The children have disappeared. The protests of organizations of all sorts, from the League of the Rights of Man to the Alliance Israélite, can multiply. But by now it is apparent that nothing less than a Papal command can unbind tongues and open the doors of convents in Spain. No such order has come. The Court of Cassation will soon give its verdict for or against Mrs. Rosner. But will that verdict be able to do anything that the verdict of the Court of Appeals could not? Today as yesterday, all roads lead to Rome. And Rome is silent.

But in the Vatican time is measured in terms of eternity. France, oldest daughter of the Church, has become a land of little faith. Few Frenchmen live without baptism and die without extreme unction; but for most of them the sacraments are just custom and mundane convention. It is only for the moment that theology has become a favorite newspaper subject, morning and evening, in France. Tomorrow the latest news from the Kremlin, the floods, or the horse races will have consigned it back to the seminaries. But, if the Finaly children are not returned, every Frenchman will know in the future that there is a difference between his act of baptism and his certificate of vaccination. They will also know that once a child is baptized, sole authority over it lies in the hands of the Church.

But, in 1953, is this the last word?